

Allowable Subject Matter:

Claims 1-29 were deemed to be free of the prior art.

Rejections Under 35 U.S.C. § 112, 2nd Paragraph:

Claims 1-29 were rejected under 35 U.S.C. § 112, 2nd Paragraph, as being indefinite. Claims 1-29 are hereby amended, according to the suggestions of the Examiner. The amendments are solely for the purposes of increasing the clarity of the claims.

Conclusion:

In view of the above, consideration and allowance are, therefore, respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



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APPENDIX A

(Amended Specification with markings to show changes)

Please amend the specifications as follows:

On page 1, before the first paragraph, insert the following sections:

REFERENCE TO RELATED APPLICATION

-- This Application is a 371 of PCT/FR99/00316, filed 02/13/98.

--BACKGROUND OF THE INVENTION--

On page 4, before the first full paragraph, insert the following section header:

--BRIEF SUMMARY OF THE INVENTION--

On page 9, at line 34, kindly delete "Figure legends" and insert the following section header:

--BRIEF DESCRIPTION OF THE DRAWINGS--

On page 14, before the first sentence, insert the following section header:

--DETAILED DESCRIPTION OF THE INVENTION--

APPENDIX B
(Amended Claims with markings to show changes)

Please amend the claims as follows:

1. (Amended) An isolated nucleic [Nucleic] acid which comprises the sequence of the promoter for the gene for a lucerne PR protein linked to at least the sequence of a gene encoding a stilbene synthase, wherein said nucleic acid comprises SEQ. ID. NO.:3.
2. (Amended) The isolated nucleic [Nucleic] acid according to [Claim] claim 1, wherein said promoter is inducible in plants. [characterized that the promoter for a lucerne PR protein is a promoter which can be induced in plants, in a tissue-specific manner or not, by a biotic or abiotic stress.]
3. (Twice amended) The isolated nucleic [Nucleic] acid according to claim 1, [characterized in that the sequence of the promoter for a lucerne PR protein] wherein said nucleic acid is selected from the group [comprising: a) the IND S1 sequence, b)] consisting of SEQ. ID. NO.: 3 and any sequence [corresponding to] that is a fragment of [the IND S1] said SEQ. ID. NO.: 3 sequence and [having] functions as a promoter [sequence effect] in plants.
4. (Amended) The isolated nucleic [Nucleic] acid according to Claim 3, [characterized in that the sequence of the promoter for a lucerne PR protein] wherein said nucleic acid exhibits at least 80% sequence identity [homology] with [the IND S1] said SEQ. ID. NO.: 3 sequence.
5. (Amended) The isolated nucleic [Nucleic] acid according to Claim 3, [characterized in that the sequence of the promoter for a lucerne PR protein] wherein said nucleic acid exhibits at least 90% sequence identity [homology] with [the IND S1] said SEQ. ID. NO.: 3 sequence.

6. (Amended) The isolated nucleic [Nucleic] acid according to Claim 1, [characterized in that the sequence of the promoter for a lucerne PR protein] wherein said nucleic acid exhibits at least 95% sequence identity [homology] with [the IND S1] said SEQ. ID. NO.: 3 sequence.
7. (Amended) The isolated nucleic [Nucleic] acid according to [one of Claims 1 to 6] Claim 1, [characterized in that the sequence of the gene encoding a stilbene synthase is the sequence of the gene encoding] wherein said gene sequence encodes a grapevine stilbene synthase.
8. (Amended) The isolated nucleic [Nucleic] acid according to Claim 7, [characterized in that the sequence of the gene encoding a grapevine stilbene synthase] wherein said gene sequence is [a sequence selected from:] selected from the group consisting of [a)] the vst1 gene and [b)] the vst2 gene.
9. (Twice amended) A plant expression vector comprising the nucleic acid of Claim 1. [System for expressing a stilbene synthase gene in plants, characterized in that it comprises at least one nucleic acid according to Claim 1].
10. (Deleted).
11. (Amended) The plant expression [Expression] vector according to Claim 9 [10, characterized in that the] wherein said vector is a plasmid.
12. (Twice amended) The plant expression vector [Expression system] according to Claim 9, [characterized in that it] wherein said vector can be transferred into *Agrobacterium* strains.
13. (Twice amended) The plant expression vector [Expression system] according to Claim 9, [characterized in that it] wherein said vector can be induced in plants by a biotic or abiotic stress

14. (Amended) The plant expression vector [Expression system] according to Claim 13, [characterized in that the] wherein said biotic stress is a parasite attack.
15. (Amended) The plant expression vector [Expression system] according to Claim 14, [characterized in that the] wherein said parasite is selected from the group consisting of a bacterium, a yeast, a fungus [or] and a virus.
16. (Amended) The plant expression vector [Expression system] according to Claim 14, [characterized in that the] wherein said parasite is *Botrytis cinerea* or *Plasmopora viticola*.
17. (Amended) The plant expression vector [Expression system] according to Claim 13, [characterized in that the] wherein said abiotic stress is a mechanical wound.
18. (Amended) The plant expression vector [Expression system] according to Claim 17, [characterized in that the] wherein said mechanical wound is caused by an insect.
19. (Amended) The plant expression vector [Expression system] according to Claim 17, [characterized in that the] wherein said mechanical wound is caused by [a physical phenomenon such as] wind or frost.
20. (Twice amended) Plant cells [The plant cell which is] transformed with [a system or a] the plant expression vector [according to] of Claim 9.
21. (Amended) The plant cell [Cell] according to Claim 20 [characterized in that it] wherein said cell is a grapevine cell.
22. (Twice amended) A method for making the plant cell of [Process for obtaining a cell according to] Claim 20, wherein a plant cell is transformed using [a microbiological method including a system for expressing] an expression vector comprising a promoter

for a lucern PR gene operably linked to a coding sequence of a stilbene synthase gene [in plants comprising at least one nucleic acid].

23. (Twice amended) A method for making the plant method for making plants that express stilbene synthase comprising:

_____ trnsforming plant cells with the plant expression vector of Claim 9; and
_____ regenerating transformed plants from said cells, wherein said plants express stilbene synthase.

[Process for obtaining plants which express a stilbene synthase gene, characterized in that the cells of the said plant are transformed using a system or a vector according to Claim 9, the cells expressing the said gene are selected and a plant is regenerated from these cells.]

24. (Twice amended) A transformed plant comprising the plant expression vector of Claim 9. [Plant comprising an expression system according to Claim 9.]

25. (Twice amended) A transformed plant comprising the plant cell of Claim 20. [Plant comprising cells according to Claim 20.]

26. (Twice amended) A transformed plant made by the method of Claim 23. [Plant which is obtained by implementing a process according to Claim 22.]

27. (Twice amended) The transformed plant of Claim 24, wherein said plant is a plant of agricultural interest. [Plant according to Claim 24 characterized in that it is a plant of agricultural interest.]

28. (Amended) The transformed plant according to Claim 27, wherein said plant is grapevine. [Plant according to Claim 27, characterized in that the plant is a grapevine.]

29. (Twice amended) A method for making the plant cell of Claim 21, wherein a plant cell is transformed by a plant expression vector comprising a promotor for a lucern PR gene operably linked to a nucleic acid sequence coding for a stilbene synthase gene.

[Process for obtaining a cell according to Claim 21, wherein a plant cell is transformed using a microbiological method including a vector for expressing a stilbene synthase gene in plants comprising at least one nucleic acid.]